



US Army Corps
of Engineers
Alaska District

Public Notice of Application for Permit

Regulatory Branch (1145b)
3437 Airport Way
Suite 206
Fairbanks, Alaska 99709-4777

PUBLIC NOTICE DATE: December 31, 2003

EXPIRATION DATE: January 31, 2004

REFERENCE NUMBER: 4-2003-1472

WATERWAY NUMBER: Chatanika River 11

Interested parties are hereby notified that an application has been received for a Department of the Army permit for certain work in waters of the United States as described below and shown on the attached plan.

APPLICANT: Ms. Sarah Conn, Environmental Analyst, State Of Alaska, Department of Transportation and Public Facilities, Design and Engineering Services Division, Northern Region, 2301 Peger Road, Fairbanks, Alaska 99709-5106

LOCATION: Section 1, T. 5 North, R. 6 East, Fairbanks Meridian, Latitude 65° 17' 48" N., Longitude 146° 25' 09" W.

WORK: Clearing, excavation and stockpiling of materials on approximately 15 acres of wetlands for the proposed continued development of an existing material site and expansion of the site to the east. The project area lies north of the Chatanika River and south of the Davidson Ditch/Steese Highway. Refer to material site maps (two sheets) dated December 29, 2003.

PURPOSE: The material is required for the Steese Highway Milepost 53-62 Rehabilitation project and the upcoming Steese Highway Milepost 62-81 project. The Department of Transportation plans on using this material site as a long-term source to meet needs in this area.

ADDITIONAL INFORMATION: The highway rehabilitation project is necessary to reducing icing problems, by providing subsurface drains, raising the road profile to increase storage capacity and installation and replacement of creek culverts.

All woody species in the project area would be cleared by pushing the trees and surface growth into berms along the west buffer zone. The surface layer of organic silts (estimated at one foot thick) would be windowed separately and stockpiled next to the surface vegetation berms. The proposed work would involve the mining of 100,00 cubic yards from the site. Crushed product volume is estimated to be 50,000 cubic yards, and borrow volume is estimated to be 50,000 cubic yards of mine run material from the pit. The expected depth of the excavated cells would be between three-feet to nine-feet at completion. A maximum of 100,000 cubic yards of material would be mined from a 15-acre wetland site. Only mining of sand and gravel is expected. From an existing work pad, three individual five-acre cells of material would be mined, one at a time. Once a cell is depleted, the sides would be graded to a 3:1 slope before moving to a new cell. Once the entire mine site has been depleted the existing work pad and cells would be reclaimed and the pit closed out.

This site is located east of an existing 55-acre material site. The southern boundary is defined as 200 feet from the active floodplain of the Chatanika River. The northern boundary is 250 feet from the Steese Highway, However there is also a 250-foot buffer from the Davidson Ditch so the practicable mining area is 250-feet from the road or the ditch. An existing access road crossing Davidson Ditch would be widened to allow for safe passing of large mining vehicles. An addition acre of wetland would be filled to allow for the road upgrade.

WATER QUALITY CERTIFICATION: A permit for the described work will not be issued until a certification or waiver of certification as required under Section 401 of the Clean Water Act (Public Law 95-217), has been received from the Alaska Department of Environmental Conservation.

PUBLIC HEARING: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, reasons for holding a public hearing.

CULTURAL RESOURCES: The latest published version of the Alaska Heritage Resources Survey (AHRS) has been consulted for the presence or absence of historic properties, including those listed in or eligible for inclusion in the National Register of Historic Places. There is a registered or eligible property in the vicinity of the worksite. It has been designated the Davidson Ditch. Because it has been determined to be within the project area and it is a designated National Historic Landmark, a determination of effect will be made in consultation with the State Historic Preservation Officer (SHPO) and the National Park Service will be consulted. Consultation of the AHRS constitutes the extent of cultural resource investigations by the District Engineer at this time. Any comments SHPO may have concerning presently unknown archeological or historic data that may be lost or destroyed by work under the requested permit will be considered in our final assessment of the described work.

ENDANGERED SPECIES: No threatened or endangered species are known to use the project area. Preliminarily, the described activity will not affect threatened or endangered species, or their critical habitat designated as endangered or threatened, under the Endangered Species Act of 1973 (87 Stat. 844). This application is being coordinated with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service. Any comments they may have concerning endangered or threatened wildlife or plants or their critical habitat will be considered in our final assessment of the described work.

ESSENTIAL FISH HABITAT: The proposed work is being evaluated for possible effects to Essential Fish Habitat (EFH) pursuant to the Magnuson Stevens Fishery Conservation and Management Act of 1996 (MSFCMA), 16 U.S.C. *et seq* and associated federal regulations found at 50 CFR 600 Subpart K. The Alaska District includes areas of EFH as Fishery Management Plans. We have reviewed the January 20, 1999, North Pacific Fishery Management Council's Environmental Assessment to locate EFH area as identified by the National Marine Fisheries Service (NMFS). We have determined that the described activity within the proposed area will not adversely affect EFH, including anadromous fish and federally managed fishery resources.

SPECIAL AREA DESIGNATION: None

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts, which the proposed activity may have on the public interest, requires a careful weighing of all the factors that become relevant in each particular case. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. The decision whether to authorize a proposal, and if so, the conditions under which it will be allowed to occur, are therefore determined by the outcome of the general balancing process. That decision should reflect the national concern for both protection and

utilization of important resources. All factors, which may be relevant to the proposal, must be considered including the cumulative effects thereof. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving 404 discharges, a permit will be denied if the discharge that would be authorized by such permit would not comply with the Environmental Protection Agency's 404(b)(1) guidelines. Subject to the preceding sentence and any other applicable guidelines or criteria (see Sections 320.2 and 320.3), a permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Comments on the described work, with the reference number, should reach this office no later than the expiration date of this Public Notice to become part of the record and be considered in the decision. Please contact Mr. Forrest E. McDaniel at (907) 474-2166, or email at Forrest.E.McDaniel@poa02.usace.army.mil if further information is desired concerning this notice.

AUTHORITY: This permit will be issued or denied under the following authority:

Discharge dredged or fill material into waters of the United States - Section 404 Clean Water Act (33 U.S.C. 1344). Therefore, our public interest review will consider the guidelines set forth under Section 404(b) of the Clean Water Act (40 CFR 230).

A plan and Notice of Application for State Water Quality Certification are attached to this Public Notice.

District Engineer
U.S. Army, Corps of Engineers

Attachments

FRANK H. MURKOWSKI, GOVERNOR

STATE OF ALASKA

OFFICE OF THE GOVERNOR

DEPT. OF ENVIRONMENTAL CONSERVATION

DIVISION OF AIR AND WATER QUALITY
Non-Point Source Control Section
401 Certification Program

NOTICE OF APPLICATION FOR STATE WATER QUALITY CERTIFICATION

Any applicant for a federal license or permit to conduct an activity that might result in a discharge into navigable waters, in accordance with Section 401 of the Clean Water Act of 1977 (PL95-217), also must apply for and obtain certification from the Alaska Department of Environmental Conservation that the discharge will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. By agreement between the U.S. Army Corps of Engineers and the Department of Environmental Conservation, application for a Department of the Army permit to discharge dredged or fill material into navigable waters under Section 404 of the Clean Water Act also may serve as application for State Water Quality Certification.

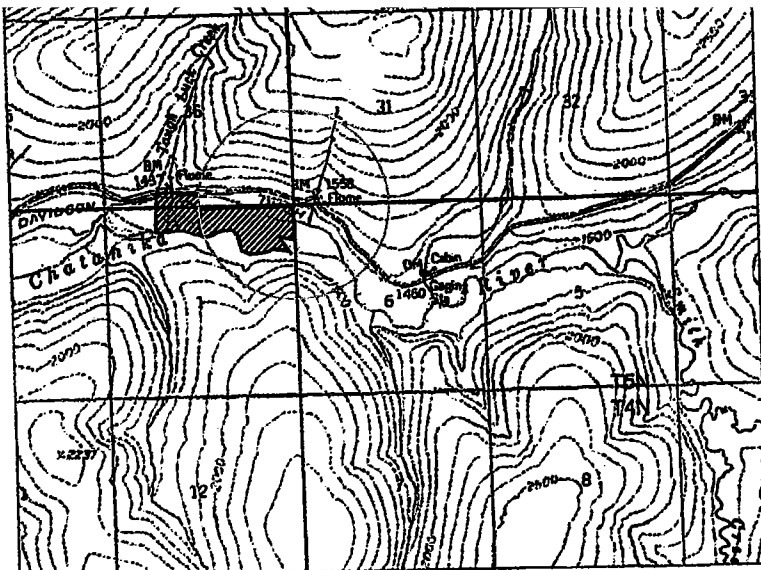
Notice is hereby given that the application for a Department of the Army Permit described in the Corps of Engineers' Public Notice No. **4-2003-1472, Chatanika River 11** serves as application for a short-term variance of State Water Quality Certification from the Department of Environmental Conservation, as provided in Section 401 of the Clean Water Act of 1977 (PL 95-217).

The Department will review the proposed activity to ensure that, except for an allowed, short-term variance, any discharge to waters of the United States resulting from the referenced project will comply with the Clean Water Act of 1977 (PL95-217), the Alaska Water Quality Standards, and other applicable State laws. The Department also may deny or waive certification.

Any person desiring to comment on the project with respect to Water Quality Certification may submit written comments within 30 days of the date of the Corps of Engineer's Public Notice to:

Department of Environmental Conservation
WQM/401 Certification
555 Cordova Street
Anchorage, Alaska 99501-2617
Telephone: (907) 269-7564
FAX: (907) 269-7508

Figure 1

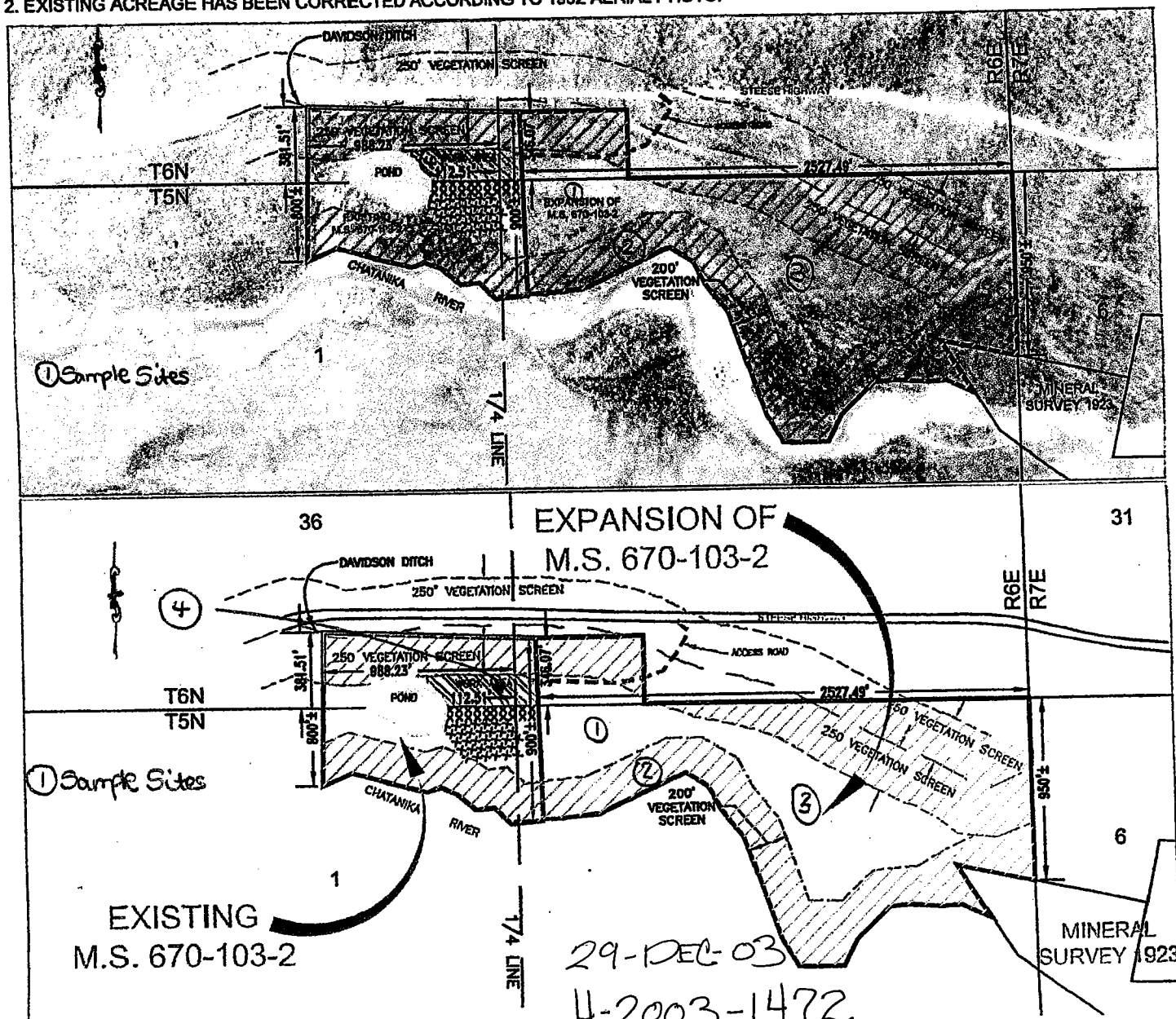


T6N R6E T6N R5E
SEC 1 SEC 36
F.M.

LOCATION MAP
CIRCLE (B-5) ALASKA
SCALE: 1"=1 MILE

NOTES:

1. 1982 AIR PHOTO HAS BEEN ENHANCED TO BETTER REFLECT CURRENT CONDITIONS IN EXISTING PIT.
2. EXISTING ACREAGE HAS BEEN CORRECTED ACCORDING TO 1982 AERIAL PHOTO.



EXISTING
M.S. 670-103-2

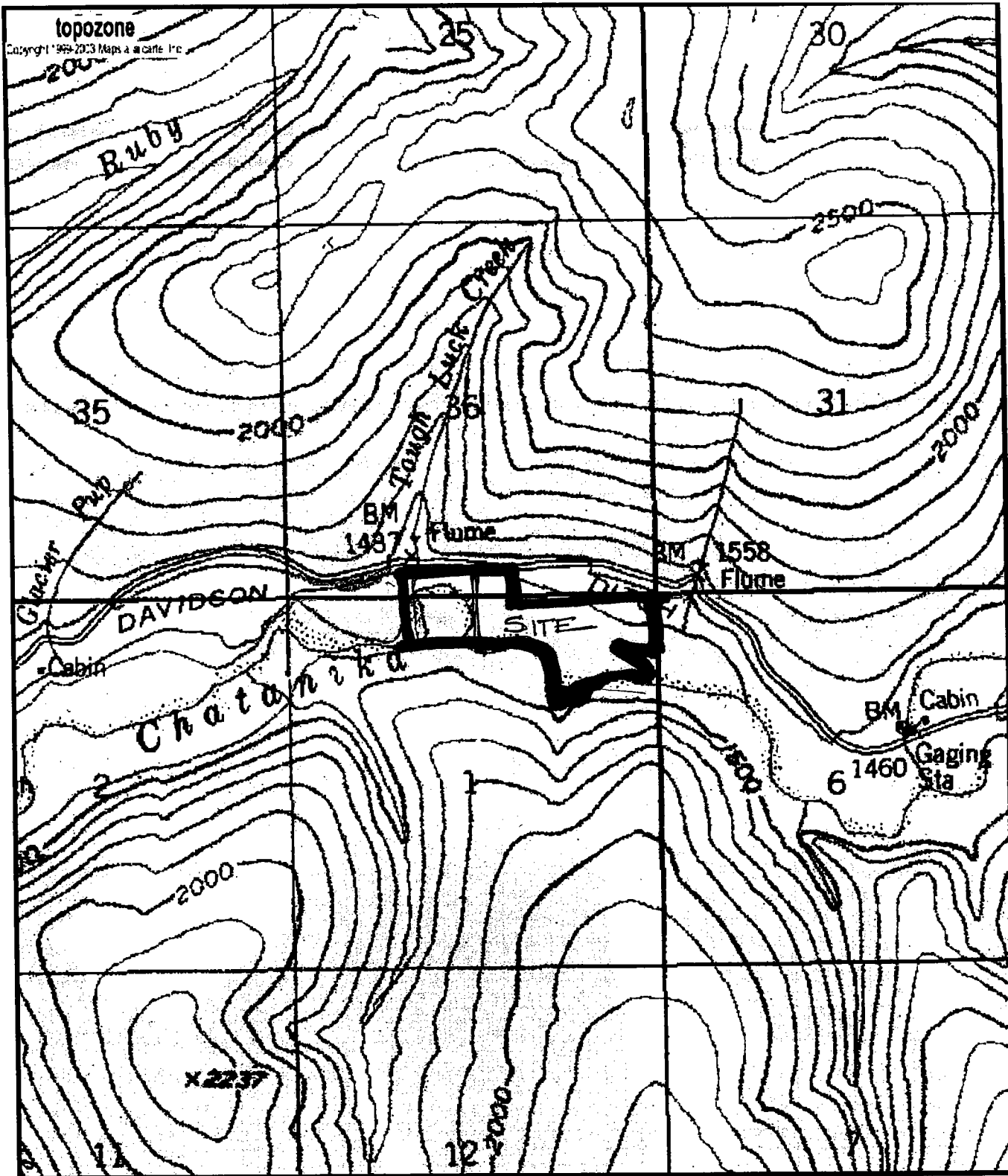
EXPANSION OF
M.S. 670-103-2

29-DEC-03

4-2003-1472

CHATANIKA RIVER II

ADOT MATERIAL SITE 670-103-2
SHEET 1 OF 2



0 0.4 0.8 1.2 1.6 2 km
0 0.3 0.6 0.9 1.2 1.5 mi
Map center is 65° 17' 48"N, 146° 25' 09"W (WGS84/NAD83)
Circle B-5 quadrangle - TopoZone Pro elevation 10000
Projection is UTM Zone 6 NAD83 Datum

* M
G
M=24.585
G=0.528

4-2003-1472
CHATANIKA RIVER II
ADOT MATERIAL SITE 670-103-2
29-DEC-03
SHEET 20F2

U.S.G.S. Quad CIRCLE B-5
Site Location